

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 RONALD BRENNAN JR.,

11 Plaintiff,

v.

12 ANTHONY ASTON, *et al.*,

13 Defendants.

14 CASE NO. C17-1928-JCC

ORDER

15 Having reviewed the Report and Recommendation of the Honorable James P. Donohue,
16 United States Magistrate Judge, any objections or responses to that, and the remaining record,
17 the Court finds and ORDERS:

18 (1) The Court ADOPTS the Report and Recommendation.

19 (2) All claims in Plaintiff's second amended complaint (Dkt. No. 27), except those
20 described below, are DISMISSED with prejudice and without leave to amend.¹ The following
21 claims survive the Court's review pursuant to 28 U.S.C. § 1915(e):

22 • First Amendment violation against Supervisor Kimberly Parker for placing Plaintiff
23 on grievance restriction. (Dkt. No. 27-1 at 52–53.)

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26 ¹ This includes all claims regardless of whether they were specifically discussed in the
Report and Recommendation.

- Retaliation claims, as described in the Judge Donohue’s Report and Recommendation, against Deputy Nicholas (*id.* at 19–21, 27–29), Deputy Hovey (*id.* at 31), Deputy Machyo (*id.* at 45–47), Deputy Crew (*id.* at 59–65), Lieutenant Moll (*id.* at 71), and Deputies Gross, Adepoju, Ohipeni, Hansen, Hart, Wilson, Freeman, and Crew (*id.* at 71–75.)
- Fourteenth Amendment Due Process claims against Deputies Machyo, Hatchell, and Chaves for creating a serious risk of irreparable harm. (*Id.* at 35–39, 49–51.)
- State law assault and battery claims against Deputy Crew. (*Id.* at 59–61.)
- Conditions of confinement claims against Lieutenant Moll for constant illumination (*Id.* at 77), and against Sergeants Ocawa, Moody, and Lewis; Captain Stites; and Lieutenant Sundstrum, for unsanitary shower conditions. (*Id.* at 87–89.)
- Constitutionally deficient medical care claims against Nurse Bellinger, MHP Taylor, MHP Hoover, and MHP Merkel. (*Id.* at 99, 105–09.)
- Religious Land Use and Institutionalized Persons Act and First Amendment free exercise claims against Supervisor Parker. (*Id.* at 81.)

Plaintiff's motion to supplement (Dkt. No. 39), is GRANTED in part and DENIED in part. Plaintiff may supplement his second amended complaint with his failure-to-protect claims against Classification Mitchell, Classification Wafstet, and MHP Hoover. The motion is denied in all other respects.

This matter is RE-REFERRED to Judge Donohue for further proceedings.

The Clerk is directed to send copies of this order to the parties and to Judge Donohue.

DATED this 12th day of July 2018.

John C. Conner

John C. Coughenour
UNITED STATES DISTRICT JUDGE